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राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 19 अगस्त, 1964/28 श्रावण, 1886

GOVERNMENT OF HIMACHAL PRADESH

TRANSPORT DEPARTMENT

NOTIFICATION

Simla-1, the 7th May, 1964

No. 4-6/64-Tpt.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (4 of 1939) and all other powers enabling him in this behalf, the Lieutenant Governor, Himachal Pradesh proposes to make the following rules which will be added as Chapter X to the Punjab Motor Vehicles Rules, 1940 as applied to Himachal Pradesh and the same are hereby published for the information of all persons likely to be affected as required by section (1) of section 133 of the said Act.

The draft rules together with objections or suggestions received from the persons likely to be affected will be taken into consideration on or after 30 days of this publication.

“CHAPTER X

Model Rules for the country-wise operation of tourist vehicles without countersignature of their permits”

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Tourist Vehicles Rules, 1964.

(2) These shall come into force on 30th April, 1964.

2. Definitions.—In these rules, unless the context otherwise requires:—

(a) “permit” means a permit issued under section 51 of the Motor Vehicles Act, 1939;

(b) “Schedule” means a schedule annexed to these rules;

- (c) "State" include a Union territory;
- (d) "Tourist motor cab" means a motor cab on the permit relating to which an endorsement is made by the State Transport Authority of the State in which such permit is granted, to the effect that it is a tourist motor cab;
- (e) "Tourist omnibus" means an omnibus on the permit relating to which an endorsement is made, by the State Transport Authority of the State in which such permit is granted, to the effect that it is a tourist omnibus;
- (f) "Tourist vehicle" means a tourist motor cab or a tourist omnibus.

3. *Endorsement on permits of vehicles.*—(1) The State Transport Authority may, in accordance with the provisions of this rule, make an endorsement on any permit granted in the State in relation to any motor cab or omnibus to the effect that the vehicle to which the permit relates is a tourist vehicle; provided that at no time shall the total number of:—

- (i) motor cabs in respect of which such endorsements are in force shall exceed fifty; and
- (ii) omnibuses in respect of which such endorsements are in force shall exceed ten.

(2) Any person who holds a permit issued in the State in relation to a motor cab or an omnibus may apply in the form specified in Schedule I, to the State Transport Authority for an endorsement on the permit to the effect that the vehicle to which the permit relates is a tourist vehicle.

(3) An application under sub-rule (2) shall be made not less than six weeks before the date on which it is desired that the endorsement shall take effect or, if the State Transport Authority appoints a date for the receipt of such applications, on such date.

(4) On receipt of an application under sub-rule (2), the State Transport Authority shall make the application available for inspection at the office of that Authority and shall publish the application or the substance thereof in the official gazette together with a notice of the date before which representations in connection therewith may be submitted by—

- (i) any person who holds a permit on which an endorsement has been made under this rule;
- (ii) any local or police authority in the State, and the date, not being less than thirty days from such publication, on or after which the application and any representations received will be considered:

Provided that, if the making of any endorsement in accordance with the application would have the effect of increasing the number of vehicles bearing such endorsements beyond the limits fixed in that behalf under the proviso to sub-rule (1) or if the vehicle in respect of which the application is made is registered more than one year before the date of the application, the State Transport Authority shall summarily reject the application without following the procedure laid down in this rule.

(5) No representation in connection with an application referred to in sub-rule (4) shall be considered by the State Transport Authority unless it is made in writing before the appointed date and unless a copy thereof is furnished simultaneously to the applicant by the person making such representation.

(6) The State Transport Authority shall, having regard to the provisions of sub-rule (7) and the representations, if any, made under sub-rule (4) in relation to an application, consider the application and may either make the endorsement or refuse, for reasons to be recorded in writing; to make the endorsement.

(7) In making or refusing to make an endorsement the State Transport Authority shall have regard among other things to the suitability of the vehicle for tourist purposes and the interests of the public generally.

(8) Any person aggrieved by the order of the State Transport Authority refusing to make an endorsement under sub-rule (6) may prefer an appeal, in the form of a memorandum signed by the appellant, to the State Government within fourteen days of receiving of such order. The memorandum shall be accompanied by a copy of the order appealed from. The decision of the State Government on an appeal under this sub-rule shall be final.

4. *Validity of endorsement and cancellation or suspension of endorsement.*—(1) An endorsement made on a permit under rule 3 shall cease to be valid on the expiry of the period for which that permit has been granted.

(2) If the State Transport Authority has reason to believe that a vehicle on the permit relating to which an endorsement has been made by it under rule 3—

(a) has been, or is being, used in contravention of the provisions of rules 6, 7 and 8;

(b) being an omnibus, fails to comply with the requirements of sub-rules (3) and (4) of rule 9 or has been, or is being, used in contravention of the provisions of sub-rules (1) and (2) of that rule, that authority may, after giving the holder of the permit an opportunity to be heard, either suspend the endorsement for such period as it may think fit or cancel the endorsement.

(3) Any person aggrieved by the order of the State Transport Authority under sub-rule (2) may prefer an appeal, in the form of a memorandum signed by the appellant, to the State Government within fourteen days of the receiving of such order. The memorandum shall be accompanied by a copy of the order appealed from. The decision of the State Government on such appeal shall be final.

5. *Information of endorsement to be sent to other State Transport Authorities.*—(1) Where an endorsement is made by the State Transport Authority under rule 3, that authority shall forward to each of the State Transport Authorities in the other States information relating to the endorsement and the vehicles to which the endorsement relates in the form specified in Schedule II.

(2) Where an endorsement is suspended or cancelled by the State Transport Authority under sub-rule (2) of rule 4, that authority shall forward to each of the State Transport Authorities in the other States—

(i) information relating to the suspension or cancellation in the form specified in Schedule III; and

(ii) where an appeal has been preferred against such suspension or cancellation, a copy of the decision in such appeal.

(3) The State Transport Authority shall also forward, at intervals or three months, a statement in the form specified in Schedule IV giving classified information in regard to the endorsement made by that authority under atement.

6. *Tourist vehicles not to be used for carriage within the State.*—No tourist vehicle shall be used for any carriage for hire or reward in which, according to the contract made by the parties, the place of departure and the place of destination are both situated within the State.

7. *Special rules for drivers and conductors of tourist vehicles.*—(1) The driver of a tourist vehicle shall—

- (a) wear a khaki or a white uniform consisting of long trousers and a bush shirt or coat having two pockets, with the letter 'T' sewn on the left hand pocket of the bush shirt or coat;
- (b) possess at least an elementary knowledge of the mechanism and maintenance of the vehicle he drives;
- (c) have a working knowledge of Hindi and English:

Provided that where the driver is accompanied by a conductor having a working knowledge of either or both the languages, it shall not be necessary for the driver to possess a working knowledge of that language or, as the case may be, of those languages.

(2) The conductor, if any, of a tourist vehicle shall wear the same uniform as a driver is required to wear under sub-rule (1).

8. *Special rules as to painting and marking of tourist vehicles.*—(1) The body of a tourist omnibus shall be painted in aluminium colour and that of a tourist motor cab in grey colour.

(2) The letter 'T' and the serial number allotted by the authority making the endorsement on the permit relating to the vehicle shall be painted on the front fender and also the rear fender of a tourist vehicle. The letter and numerals required to be painted under this sub-rule shall be painted on a white surface enclosed by a circle drawn in red and shall not be less than two inches in height and one and half inches in breadth.

(3) No transport vehicle other than a tourist vehicle shall be painted in the manner prescribed in sub-rule (1).

9. *Special rules as to tourist omnibuses.*—(1) Every tourist omnibus shall have a conductor.

(2) No tourist omnibus shall carry more than twenty-four persons excluding the driver and the conductor.

(3) A tourist bus shall be constructed so as to provide for gangway, seating space, seats, head-room or internal height, driver's seat, urinal etc. in accordance with the specifications given in Schedule V.

(4) The following amenities shall be provided in a tourist bus, namely:—

- (a) radio;
- (b) Loudspeaker;
- (c) reading material such as newspapers, periodicals etc; and
- (d) arrangements for supply of drinking water.

10. *Countersignature not necessary in respect of tourist vehicles belonging to other States.*—Subject to the provisions of rules 6, 7, 8 and 9 a permit granted in relation to any tourist motor cab or a tourist omnibus in any other State shall be valid in the State without countersignature, if there are in force in that other State rules similar to these rules.

SCHEDULE I

[See rule 3(2)]

Application for the grant of endorsement on the permit of motor cab/omnibus for countrywide operation under the Himachal Pradesh Government Tourist Vehicles Rules, 1964

I/we the undersigned apply for endorsement on the following permit for countrywide operation:—

1. Description of permit.....
2. (i) No. of permit and the date of issue.....
- (ii) Date of expiry.....
- (iii) Particulars of vehicle(s):
 1. Make of the vehicle.....
 2. Year of manufacture.....
 3. (a) Year of registration.....
 - (b) Registration No.....
 4. Type of body.....
 5. No. of cylinders.....
 6. Horse Power.....
 7. Chassis Number.....
 8. Engine Number.....
 9. Seating capacity.....
 10. Laden weight.....
 11. Unladen weight.....
 12. Colour of body.....
 13. Date of grant of permit.....
 14. Date of grant of the endorsement.....
 15. Date on which the permit or the endorsement will expire.....

3. I/we declare to fulfill/abide by the conditions laid down in Himachal Pradesh Government Tourist Vehicles Rules, 1964. ^P

4. This is with reference to the circular date.....inviting applications for the endorsement.

(N.B.—Strike out the portion that is not applicable).

*Signature or thumb-impression of
applicant(s).*

To be filled in the office of the Transport Authority

1. Date of receipt.
2. Date of publication.
3. Date or dates of hearing of objections.

4. Granted subject to the Himachal Pradesh Government Tourist Vehicles Rules, 1964.

Granted in modified form on the.....day of.....19... subject to the Himachal Pradesh Tourist Vehicles Rules, 1964. The serial number allotted to the vehicle is.....rejected.

Secretary,
State Transport Authority.

SCHEDULE II

[See rule 5(1)]

Intimation to the State Transport Authorities in other States regarding grant of endorsement on the permit of a vehicle under the Himachal Pradesh Tourist Vehicles Rules, 1964

To

The State Transport Authority,

.....
The permit relating to the following transport vehicle(s) has been endorsed for operation as tourist vehicle(s) under the Himachal Pradesh Tourist Vehicles Rules, 1964:—

1. No.
2. Serial number allotted to the vehicle.
3. Type of the vehicle.
4. Year of manufacture.
5. Year of registration and Registration No.
6. Type of body.
7. Number of cylinders.
8. Horse power.
9. Chassis No.
10. Engine No.
11. Seating capacity.
12. Laden weight.
13. Unladen weight.
14. Colour of body.

Secretary,
State Transport Authority.

SCHEDULE III

[See rule 5(2)]

Intimation to the State Transport Authorities in other States regarding suspension and cancellation of endorsement on the permit of a tourist vehicle under the Himachal Pradesh Tourist Vehicles Rules, 1964

To

The State Transport Authority,

.....
The endorsement granted on permit No....., in respect of tourist vehicle bearing serial number....., registered in the

name of.....and
communicated to you under this Authority's letter No.....
dated....., has been suspended/cancelled with
effect from.....day of.....19.....under
rule 4(2) of the Himachal Pradesh Tourist Vehicles Rules, 1964.

Secretary,
State Transport Authority.

SCHEDULE IV

[See rule 5(3)]

*Intimation to the State Transport Authorities in other States regarding
grant of endorsement on the permits relating to the vehicles during
the quarter ending.....19.....*

To
The State Transport Authority,

The permits relating to the motor vehicles particulars of which are given
below bear valid endorsements for operation as tourist vehicles on.....

1. Number.
2. Serial No. allotted to vehicle(s).
3. Class of vehicles (Motor cab).
4. Make, Model and Year of manufacture.
5. Registration No.
6. Permit No.
7. Date of expiry of permit.

Secretary,
State Transport Authority.

SCHEDULE V

As required by rule 9(3) of the Himachal Pradesh Tourist Vehicles Rules, 1964, a tourist vehicle (omnibus) shall be constructed so as to provide for the following:—

1. A gangway having width of.....and length of.....
2. No. of seats shall be 24 excluding driver and the conductor.
3. The size of each seat will be.....
4. The head-room or internal height will be.....
5. The driver's seat will be of the and*
6. The urinal will cover an area of.....

*The driver's cabin shall be separated from the rest of the bus by a sound proof partition to avoid diversion to the driver's attention by the radio.

By order,
P. P. SIRIVASTAVA,
Joint Secretary.

